IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO. 11281 OF 2007

Dated : May 30, 2007

Between:

Habeeb Umar Bafaqih

Petitioner

AND

The Govt. of Andhra Pradesh,
Rep. By its Secretary for Revenue,
Secretariat, Hyderabad and others

Respondents

ORAL ORDER:

This writ petition is filed against the notice issued by the respondent No. 4 under the provisions of the Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, whereby the it is alleged that the petitioner is found in possession of land in contravention of Sub-Sec.2 of Sec.3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act 9 of 1977(for brevity the Act) and the petitioner was called upon to show cause why he shall not be evicted from the land in his possession.

Without submitting his explanation, the petitioner, straightaway filed this writ petition.

It is not in dispute that the respondent No.4 is empowered under the provisions of the Act to issue notice whenever it is found that a person is in occupation of the land contrary to the provisions of the Act. The proper course for the petitioner would have been to file

explanation and if any adverse order is passed, it is always open for the petitioner to file an appeal before Competent Authority under the provisions of the Act. Therefore, the writ petition filed questioning the show cause notice, in my view, is wholly misconceived.

The writ petition is, therefore, dismissed with a liberty to the petitioner to file explanation to the show cause notice issued by the 4th respondent. However, there shall be no order as to costs.

C.V. NAGARJUNA REDDY, J

Dated:30.05.2007

MAS